

Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Dec 18, 2020	Folder #: A-13/21
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff?

Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 106 Sunnylea Crescent, Guelph

Legal description of property (registered plan number and lot number or other legal description):

See Attachment

REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)

Name: 24 83847 Ontario Limited % John Cheung.
Mailing Address: 76 Dawson Road
City: Guelph Ont. Postal Code: N1H 1A8.
Home Phone: cell Work Phone: 289-834-2086.
Fax: _____ Email: john.cheung@bluevalleybuilding.com

AGENT INFORMATION (If Any)

Company: Cynthia Zahoruk Architect Inc.
Name: Cynthia Zahoruk
Mailing Address: 3077 New Street
City: Burlington, ON Postal Code: L7N 1M6.
Work Phone: 905 331-4662 x22 Mobile Phone: 905 315 0215.
Fax: _____ Email: cz@czarchitect.com

Official Plan Designation: MEDIUM DENSITY RESIDENTIAL	Current Zoning Designation: R4A.
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
See Attachment.

Why is it not possible to comply with the provision of the by-law? (your explanation)
See Attachment.

PROPERTY INFORMATION			
Date property was purchased:	2017	Date property was first built on:	N/A
Date of proposed construction on property:	2021	Length of time the existing uses of the subject property have continued:	N/A
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): Existing Vacant Land			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): Residential Apartment Building			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)		
Frontage: 29.9 m	Depth: 41.3 m	Area: 1004 m ²

106 Sunnylea Crescent, Guelph – Variances requested

Nature and Extent of Relief applied for:

1. To permit the Common Outdoor amenity area to be reduced to 56m² whereas the Bylaw requires 180m². ByLaw section 5.4.2.4.1

This infill lot poses challenges in meeting all aspects of the zoning bylaw and still creating a feasible rental apartment project. Infill lots are typically in established neighborhoods within walking distance of parks and other amenities which helps to mitigate the lesser common amenity area provided on site.

Each apartment has private exterior patio (10m²) and balconies (8.0m²) for resident's enjoyment. We cannot include the large side yard area (18.0 m x 3.0) on the North side of the parking area as it does not meet the minimum dimension of 4.0m width required for a common Amenity area. This area is still usable for certain uses such as a dog walking area.

Similarly, a large part of the rear yard is constrained by a steep grade and is unusable except for landscape buffer and to provide privacy to the rear private exterior amenity area.

The design of the building also permits residents to use the common exterior walkways as a "front porch", although this area is also not permitted to be included in the calculation for Common Amenity area.

2. To permit a side yard of 3.0m whereas the bylaw requires a side yard of 7.5m or ½ building height (7.0m / 2 = 3.5m). Applies to both Left and Right yards. By-Law section Table 5.4.2. Ro2 8 for General Apartment

This infill lot poses challenges in meeting all aspects of the zoning bylaw and still creating a feasible rental apartment project. The reduced side yard will not impact the neighbor's enjoyment of their properties as the rooms with windows on these walls are bedrooms and bathrooms and typically will have privacy blinds.

3. To permit the windows of a habitable room to face a side yard of 3.0m minimum width whereas the bylaw requires the minimum width of the side yard to be 7.5m. Applies to both Left and Right side yards. By-Law section 5.4.2.1.

This infill lot poses challenges in meeting all aspects of the zoning bylaw and still creating a feasible rental apartment project. The windows facing the side yards are for bedrooms and bathrooms and typically these rooms have blinds for privacy and should not be impacted by a reduced side yard. All living room spaces face the rear yard.

4. To permit parking spaces to be located in the front yard and to permit three (3) parking spaces to be located within 3 metres of a lot line. By law section 4.13.2.2.

The narrow and irregular property limits development to parking in the front yard. The reduced dimension of 0.1m is for parking space #3 but also affects parking space #2 and #V2 to a lesser extent. All other parking spaces are compliant to this part of the Bylaw.

106 Sunnylea Crescent, Guelph – Variances requested

5. To permit visitor parking spaces to be located within the required front yard setback. By law section 4.13.2.2.1.

The narrow property limits development to parking in the front yard. The parking area in the front yard is not ideal however landscaping and fencing can aid to buffer the parking from adjacent properties.

END

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)			
EXISTING (DWELLINGS & BUILDINGS)		PROPOSED	
Main Building		Main Building	
Gross Floor Area:		Gross Floor Area:	500 m ²
Height of building:		Height of building:	11 m 7 m
Garage/Carport (if applicable)		Garage/Carport (if applicable) N/A	
Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	<div style="position: relative; height: 100px;"> <div style="position: absolute; top: 0; left: 0; right: 0; bottom: 0; background: linear-gradient(to top right, transparent 49%, black 49%, black 51%, transparent 51%); background-size: 100% 100%;"></div> </div>	
N/A			
Width:		Width:	
Length:		Length:	
Driveway Width:		Driveway Width:	
Accessory Structures (Shed, Gazebo, Pool, Deck)		Accessory Structures (Shed, Gazebo, Pool, Deck) N/A	
Describe details, including height:		Describe details, including height:	

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND			
EXISTING		PROPOSED	
Front Yard Setback:		Front Yard Setback:	18.9 M
Exterior Side Yard (corner lots only)		Exterior Side Yard (corner lots only)	N/A M
Side Yard Setback:	Left: M Right: M	Side Yard Setback:	Left: M 3.05 Right: M 3.05
Rear Yard Setback		Rear Yard Setback	8.5 M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided:	

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	EXPIRED
Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	EXPIRED

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 ext. 2349.

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Cynthia Zahoruk, of the City/Town of Burlington in County/Regional Municipality of Halton, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.


Signature of Applicant or Authorized Agent

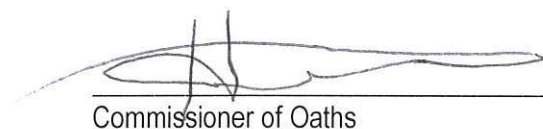
Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

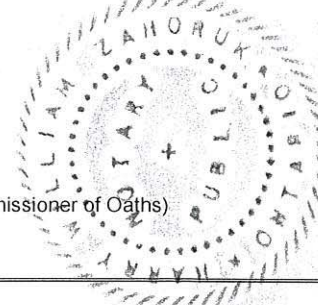
Declared before me at the

City/Town of Burlington in the County/Regional Municipality of

Halton this 15th day of December, 20 20.


Commissioner of Oaths

(official stamp of Commissioner of Oaths)



APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

John Cheung of 248347 Ontario Limited
 [Organization name / property owner's name(s)]

of 106 Sunnylea Crescent, Guelph
 (Legal description and/or municipal address)

hereby authorize Cynthia Zecher Architect Inc.
 (Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 14th day of December 2020.

[Signature]
 (Signature of the property owner)

 (Signature of the property owner)

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.